

### Part 3

## Utah Substance Abuse Advisory Council

### **63M-7-301 Definitions -- Creation of council -- Membership -- Terms.**

- (1)
- (a) As used in this part, "council" means the Utah Substance Use and Mental Health Advisory Council created in this section.
  - (b) There is created within the governor's office the Utah Substance Use and Mental Health Advisory Council.
- (2) The council shall be comprised of the following voting members:
- (a) the attorney general or the attorney general's designee;
  - (b) an elected county official appointed by the Utah Association of Counties;
  - (c) the commissioner of public safety or the commissioner's designee;
  - (d) the director of the Division of Substance Abuse and Mental Health or the director's designee;
  - (e) the state superintendent of public instruction or the superintendent's designee;
  - (f) the executive director of the Department of Health or the executive director's designee;
  - (g) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee;
  - (h) the executive director of the Department of Corrections or the executive director's designee;
  - (i) the director of the Division of Juvenile Justice Services or the director's designee;
  - (j) the director of the Division of Child and Family Services or the director's designee;
  - (k) the chair of the Board of Pardons and Parole or the chair's designee;
  - (l) the director of the Office of Multicultural Affairs or the director's designee;
  - (m) the director of the Division of Indian Affairs or the director's designee;
  - (n) the state court administrator or the state court administrator's designee;
  - (o) a district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;
  - (p) a district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;
  - (q) a juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;
  - (r) a prosecutor appointed by the Statewide Association of Prosecutors;
  - (s) the chair or co-chair of each committee established by the council;
  - (t) the following members appointed to serve four-year terms:
    - (i) a member of the House of Representatives appointed by the speaker of the House of Representatives;
    - (ii) a member of the Senate appointed by the president of the Senate; and
    - (iii) a representative appointed by the Utah League of Cities and Towns;
  - (u) the following members appointed by the governor to serve four-year terms:
    - (i) one resident of the state who has been personally affected by a substance use or mental health disorder; and
    - (ii) one citizen representative; and
  - (v) in addition to the voting members described in Subsections (2)(a) through (u), the following voting members appointed by a majority of the members described in Subsections (2)(a) through (u) to serve four-year terms:
    - (i) one resident of the state who represents a statewide advocacy organization for recovery from substance use disorders;

- (ii) one resident of the state who represents a statewide advocacy organization for recovery from mental illness;
  - (iii) one resident of the state who represents prevention professionals;
  - (iv) one resident of the state who represents treatment professionals;
  - (v) one resident of the state who represents the physical health care field;
  - (vi) one resident of the state who is a criminal defense attorney;
  - (vii) one resident of the state who is a military servicemember or military veteran under Section 53B-8-102; and
  - (viii) one resident of the state who represents local law enforcement agencies.
- (3) A person other than a person described in Subsection (2) may not be appointed as a voting member of the council.

Amended by Chapter 158, 2016 General Session

**63M-7-302 Chair -- Vacancies -- Quorum -- Expenses.**

- (1) The Utah Substance Use and Mental Health Advisory Council shall annually select one of its members to serve as chair and one of its members to serve as vice chair.
- (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the position was originally filled.
- (3) A majority of the members of the council constitutes a quorum.
- (4)
  - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
  - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (5) The council may establish committees as needed to assist in accomplishing its duties under Section 63M-7-303.

Amended by Chapter 158, 2016 General Session

**63M-7-303 Duties of council.**

- (1) The Utah Substance Use and Mental Health Advisory Council shall:
  - (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and eliminate the impact of substance use and mental health disorders in Utah through a comprehensive and evidence-based prevention, treatment, and justice strategy;
  - (b) recommend and coordinate the creation, dissemination, and implementation of statewide policies to address substance use and mental health disorders;
  - (c) facilitate planning for a balanced continuum of substance use and mental health disorder prevention, treatment, and justice services;
  - (d) promote collaboration and mutually beneficial public and private partnerships;
  - (e) coordinate recommendations made by any committee created under Section 63M-7-302;
  - (f) analyze and provide an objective assessment of all proposed legislation concerning substance use, mental health, and related issues;
  - (g) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv), as provided in Section 63M-7-305; and

- (h) comply with Section 32B-2-306.
- (2) The council shall meet quarterly or more frequently as determined necessary by the chair.
- (3) The council shall report its recommendations annually to the commission, governor, the Legislature, and the Judicial Council.

Amended by Chapter 158, 2016 General Session

**63M-7-304 Chair -- Vacancies -- Quorum -- Expenses.**

- (1) The members of each committee established by the council shall annually select a chair or co-chairs from among the members of the committee.
- (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the position was originally filled.
- (3) A majority of the members of a committee constitutes a quorum for the transaction of business by the committee.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 39, 2010 General Session

Amended by Chapter 286, 2010 General Session

**63M-7-305 Drug-Related Offenses Reform Act -- Coordination.**

- (1) As used in this section:
  - (a) "Council" means the Utah Substance Use and Mental Health Advisory Council.
  - (b) "Drug-Related Offenses Reform Act" and "act" mean the screening, assessment, substance use disorder treatment, and supervision provided to convicted persons under Subsection 77-18-1.1(2) to:
    - (i) determine a person's specific substance use disorder treatment needs as early as possible in the judicial process;
    - (ii) expand treatment resources for persons in the community;
    - (iii) integrate a person's treatment with supervision by the Department of Corrections; and
    - (iv) reduce the incidence of substance use disorders and related criminal conduct.
  - (c) "Substance abuse authority" has the same meaning as in Section 17-43-201.
- (2) The council shall provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act.
- (3) The council shall develop an implementation plan for the Drug-Related Offenses Reform Act. The plan shall:
  - (a) identify local substance abuse authority areas where the act will be implemented, in cooperation with the Division of Substance Abuse and Mental Health, the Department of Corrections, and the local substance abuse authorities;
  - (b) include guidelines for local substance abuse authorities and the Utah Department of Corrections on how funds appropriated under the act should be used, including eligibility requirements for convicted persons who participate in services funded by the act, that are consistent with the recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism; and

- (c) require that treatment plans under the act are appropriate for persons involved in the criminal justice system.

Amended by Chapter 158, 2016 General Session

Amended by Chapter 191, 2016 General Session

**63M-7-306 Staffing.**

The Commission on Criminal and Juvenile Justice shall provide staff to the council and any committee established by the council.

Amended by Chapter 39, 2010 General Session